

REMARKS/ARGUMENTS

In response to the Office Action mailed August 14, 2009 Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claim 1 is amended, claim 7 has been cancelled without prejudice and no claims have been added, so that claims 1-6 are currently pending. No new matter has been entered.

Claims 1-4 were rejected as being anticipated by US Patent Publication No. 2003/0023265 to Forber (Forber). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Forber discloses a vascular filter formed at least two groups of wires. Forber fails to disclose or even suggest the unique structure of claim 1 formed from a single tube. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 5 was rejected as being unpatentable over Forber. Claim 7 was rejected as being unpatentable over forber in view of US PATENT Publication No. 2003/0120303 to Boyle et al. (Boyle). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art,

considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Boyle also discloses various methods of fabricating filters; however, claim 7 has been cancelled without prejudice and thus the rejection is moot. With respect to the rejection of claim 5, it is respectfully submitted that the references, whether taken alone or in combination fail to disclose or suggest the unique structure of amended independent claim 1 for the reasons set forth above. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be grateful for the opportunity to conduct a telephonic or in-person interview if the Examiner believes it would be helpful in disposing of the present case.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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